

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

FEB 21 2017

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_____ OGLALA SIOUX TRIBE,

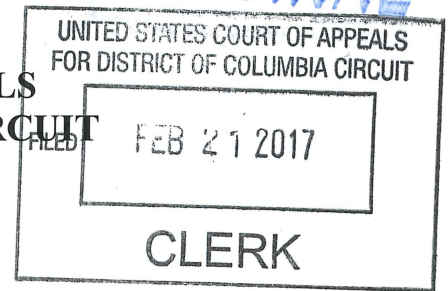
Petitioner,

v.

UNITED STATES NUCLEAR
REGULATORY COMMISSION and the
UNITED STATES OF AMERICA,

Respondents.

No. **17-1059**



PETITION FOR REVIEW

Pursuant to 42 U.S.C. § 2239, the Hobbs Act, 28 U.S.C. §§ 2341-2351, and Federal and D.C. Circuit Rule 15, notice is hereby given this 21st day of February, 2017, that Petitioner Oglala Sioux Tribe, through undersigned counsel, hereby Petitions the United States Court of Appeals for the District of Columbia Circuit for review of:

1. The United States Nuclear Regulatory Commission's ("Commission") January, 2014 Final Environmental Impact Statement ("EIS") for the Dewey-Burdock In-Situ Recovery Project in Custer and Fall River Counties, South Dakota (Attachment 1) (Excerpt);

2. The Commission's April 8, 2014 Record of Decision ("ROD") for the Dewey-Burdock Uranium In-Situ Recovery Project (Attachment 2);
3. The Commission's April 8, 2014 Materials License No. SUA-1600, Docket No. 040-09075, to Powertech (USA) Inc. (Apr. 8, 2014) (Attachment 3);
and
4. The Commission's December 23, 2016 Memorandum and Order in *In the Matter of Powertech (USA), Inc.* (Dewey-Burdock In Situ Uranium Recovery Facility), Docket No. 40-9075-MLA, CLI-16-20 (December 23, 2016) (Attachment 4).

The Final EIS, ROD, Memorandum and Order, and Materials License violate the Administrative Procedure Act, 5 U.S.C. § 706, the National Environmental Policy Act, 42 U.S.C. §§ 4321, *et seq.*, the National Historic Preservation Act, 16 U.S.C. §§ 470, *et seq.*, the Atomic Energy Act, 42 U.S.C. §§ 2011 *et seq.*, and implementing regulations.

Respectfully submitted,

/s/ Jeffrey C. Parsons

Jeffrey C. Parsons

Western Mining Action Project

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Counsel for Oglala Sioux Tribe

Filed this 21st day of February, 2017

CERTIFICATE OF SERVICE

I, Jeffrey C. Parsons, hereby certify that I caused a true and correct copy of
Petitioner's Petition for Review to be served by U.S. mail on the following this 21st
day of February, 2017:

United States Nuclear Regulatory Commission, Office of the General Counsel
Mail Stop: O-15 D21
Washington, D.C. 20555

Hon. Annette Vietti-Cook, Secretary, United States NRC
11555 Rockville Pike
Rockville, MD 20852-2738

Hon. Jeff B. Sessions, Attorney General, U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

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/s/ Jeffrey C. Parsons
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